

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6715

BILL NUMBER: HB 1061

NOTE PREPARED: Feb 20, 2004

BILL AMENDED: Feb 19, 2004

SUBJECT: Statute of Limitations.

FIRST AUTHOR: Rep. Dickinson

FIRST SPONSOR: Sen. Simpson

BILL STATUS: CR Adopted - 2nd House

FUNDS AFFECTED: X GENERAL
DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: (Amended) This bill provides that a civil action based on an allegation of childhood sexual abuse must be brought within 2 years of the discovery of the cause of action, but before the child becomes 31 years of age.

Effective Date: July 1, 2004.

Explanation of State Expenditures: (Revised) Depending on the situation, this bill could make certain agencies more open for lawsuits alleging childhood sexual abuse if victims become more willing to file civil charges at a later age.

Explanation of State Revenues: *Court Fee Revenue:* If additional civil actions occur, revenue to the state General Fund may increase if court fees are collected. A civil filing fee of \$100 would be assessed when a civil case is filed. 70% of the filing fee would be deposited in the state General Fund if the case is filed in a court of record or 55% if the case is filed in a city or town court.

Explanation of Local Expenditures: (Revised) Under IC 34-11-6-1, if a person over the age of 18 is the victim of a sex crime, that person must file a lawsuit to recover damages within two years of the date of the occurrence. If the person is under the age of 18 when the sexual abuse occurred, the two-year limitation does not begin until the person reaches the age of 18 (when the minor becomes an adult). Consequently, the person has until the age of 20 to file a civil lawsuit if the person was the victim of sexual abuse and was younger than 18 years of age. This bill increases the maximum age to 31 to file a civil lawsuit alleging sexual abuse if the victim was 16 years of age or younger when the act occurred.

The added costs for the courts will depend on the number of cases filed and whether the defendant will

request a jury trial. A portion of this cost will be recovered by any fees collected when the plaintiff files the lawsuit.

Depending on the situation, this bill could make certain units of local government more open for lawsuits alleging childhood sexual abuse if victims are become more willing to file civil charges at a later age.

Explanation of Local Revenues: *Court Fee Revenue:* If additional civil actions occur, local governments would receive revenue from the following sources. The county general fund would receive 27% of the \$100 filing fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund.

State Agencies Affected:

Local Agencies Affected: Trial courts, city and town courts.

Information Sources:

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